

House File 587 - Introduced

HOUSE FILE 587
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 160)

(COMPANION TO LSB 1347SV BY
COMMITTEE ON EDUCATION)

A BILL FOR

1 An Act relating to vehicular transportation for students and
2 making penalties applicable.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 285.9, Code 2011, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 5. Review and resolve all transportation
4 disputes between districts as provided in section 285.12A.

5 Sec. 2. NEW SECTION. **285.12A Disputes between districts.**

6 In the event of a dispute between school districts regarding
7 transportation, the area education agency board shall review
8 and resolve the dispute. If the parties to the dispute are
9 located in more than one area education agency, the area
10 education agency in which the party to the dispute with the
11 greatest certified enrollment is located shall be the reviewing
12 agency. In resolving disputes between districts, the reviewing
13 agency board shall, after receiving all facts, make alterations
14 or changes as necessary to make the arrangements, designations,
15 and contracts conform to the legal and established requirements
16 and shall notify each affected local school board of the
17 decision. A party to the dispute may appeal the decision of
18 the agency board to the director of the department of education
19 in the manner provided in section 285.12 for appealing a
20 decision of an agency board. The decision of the director
21 shall be subject to judicial review in accordance with chapter
22 17A.

23 Sec. 3. Section 321.1, subsection 69, paragraph d, Code
24 2011, is amended to read as follows:

25 *d.* Designed to carry not more than nine persons as
26 passengers, either school owned or privately owned, which
27 are used to transport pupils to activity events in which the
28 pupils are participants or used to transport pupils to their
29 homes in case of illness or other emergency situations. The
30 vehicles operated under the provisions of this paragraph
31 shall be operated by employees of the school district who are
32 specifically approved by the local superintendent of schools
33 for the assignment and, if applicable, shall conform to the
34 minimum vehicle safety inspection standards for school buses,
35 as prescribed in rules adopted by the state board of education.

1 Sec. 4. Section 321.373, subsection 1, Code 2011, is amended
2 to read as follows:

3 1. Every school bus ~~except private passenger vehicles used~~
4 ~~as school buses~~ or other vehicle used to transport pupils
5 to activity events pursuant to section 321.1, subsection
6 69, paragraph "d", unless privately owned and not operated
7 for compensation, shall be constructed and equipped to meet
8 safety standards prescribed in rules adopted by the state
9 board of education. Such rules shall conform to safety
10 standards set forth in federal laws and regulations and shall
11 conform, insofar as practicable, to the minimum standards
12 for school buses recommended by the national conference on
13 school transportation administered by the national commission
14 on safety education and published by the national education
15 association.

16 Sec. 5. Section 321.373, subsection 3, Code 2011, is amended
17 to read as follows:

18 3. The rules prescribed for school buses shall include
19 special rules for passenger automobiles, and other vehicles
20 designed to carry eight or fewer pupils, when used as school
21 buses. This subsection shall not apply to vehicles governed by
22 subsection 1.

23 Sec. 6. Section 321.376, Code 2011, is amended by adding the
24 following new subsection:

25 NEW SUBSECTION. 3. The provisions of this section relating
26 to a certificate of qualification and approved course of
27 instruction shall not apply to a person operating a vehicle
28 used to transport pupils to activity events pursuant to section
29 321.1, subsection 69, paragraph "d".

30 Sec. 7. Section 321.379, Code 2011, is amended to read as
31 follows:

32 **321.379 Violations.**

33 A school board, individual, or organization shall not
34 purchase, construct, or contract for use, to transport pupils
35 to or from school or school activities, any school bus or other

1 vehicle used to transport pupils to activity events pursuant
2 to section 321.1, subsection 69, paragraph "d", which does
3 not comply with the minimum requirements of section 321.373
4 pertaining to such bus or vehicle, and any individual, or any
5 member or officer of such board or organization who authorizes,
6 the purchase, construction, or contract for any such bus or
7 vehicle not complying with these minimum requirements commits a
8 simple misdemeanor.

9 EXPLANATION

10 This bill makes changes relating to vehicular transportation
11 for students.

12 The bill assigns to area education agencies the duty of
13 initially reviewing transportation disputes between school
14 districts and the authority to resolve such disputes. The bill
15 requires the reviewing agency board to notify each affected
16 local school board of its decision, and allows an affected
17 school district to appeal a decision to the director of the
18 department of education.

19 The bill provides that school-owned vehicles designed to
20 carry not more than nine persons which are used to transport
21 pupils to activity events in which students are participating
22 must conform to minimum vehicle safety inspection standards for
23 school buses as far as practicable and as set out by the state
24 board of education by rule. The bill also provides that the
25 drivers of such vehicles, whether school-owned or privately
26 owned, are exempt from statutory requirements for a certificate
27 of qualification and an approved course of instruction that
28 apply to school bus drivers.

29 Current law provides that a school board, individual, or
30 organization must not purchase, construct, or contract for
31 use of a school bus that does not comply with minimum state
32 standards. Current law provides that any person who authorizes
33 such an action is guilty of a simple misdemeanor. The bill
34 adds certain other vehicles used to transport students to
35 school activities to those requirements. A simple misdemeanor

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1 is punishable by confinement for no more than 30 days or a fine
2 of at least \$65 but not more than \$625 or by both.